

APPEAL NO. 041549
FILED AUGUST 9, 2004

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on June 9, 2004. The hearing officer resolved the disputed issues by determining that the respondent's (claimant) _____, compensable injury extends to include spondylolisthesis at L4-5 with bilateral spondylolysis and mild bulging at L4-5, and that the appellant (self-insured) did not waive the right to contest compensability of the aforementioned conditions by not timely contesting the injury in accordance with Sections 409.021 and 409.022. The self-insured appeals the extent-of-injury determination. The claimant urges affirmance of the hearing officer's decision. The waiver determination has not been appealed and has become final pursuant to Section 410.169.

DECISION

Affirmed.

Whether the claimant's compensable injury included spondylolisthesis at L4-5 with bilateral spondylolysis and mild bulging at L4-5 was a factual question for the hearing officer to resolve. Section 410.165(a) provides that the hearing officer, as finder of fact, is the sole judge of the relevance and materiality of the evidence as well as of the weight and credibility that is to be given to the evidence. It was for the hearing officer, as trier of fact, to resolve the inconsistencies and conflicts in the evidence. Garza v. Commercial Insurance Company of Newark, New Jersey, 508 S.W.2d 701, 702 (Tex. Civ. App.-Amarillo 1974, no writ). This is equally true regarding medical evidence. Texas Employers Insurance Association v. Campos, 666 S.W.2d 286, 290 (Tex. App.-Houston [14th Dist.] 1984, no writ). Nothing in our review of the record indicates that the hearing officer's extent-of-injury determination is so against the great weight and preponderance of the evidence as to be clearly wrong and unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986).

The hearing officer's decision and order are affirmed.

The true corporate name of the insurance carrier is **(a self-insured governmental entity)** and the name and address of its registered agent for service of process is

**SUPERINTENDENT
(ADDRESS)
(CITY) TEXAS (ZIP CODE).**

Chris Cowan
Appeals Judge

CONCUR:

Gary L. Kilgore
Appeals Judge

Robert W. Potts
Appeals Judge